IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

TUESDAY, THE 13TH FEBRUARY 2007 / 24TH MAGHA 1928

Crl.Rev.Pet.No. 654 of 2007()

CRA.161/2002 of ADDL. DISTRICT & SESSIONS JUDGE (ADHOC III) KOLLAM

CC.434/1999 of JUDL.MAGISTRATE OF FIRST CLASS, PARAVOOR

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REVN. PETITIONER: APPELLANT-ACCUSED

B.SASIDHARAN, SON OF BHASKARAN,
RESIDING AT B.S.BHAVAN, KURUMANDAL,
PARAVUR P.O., KOLLAM.

BY ADV. SRI.R.S.KALKURA
SRI.HARISH GOPINATH

RESPONDENTS: COMPLAINANT/STATE

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1. SAVITHRI AMMA, AGED 50,
W/O.RAMACHANDRAN PILLAI, RESIDING AT
R.S.NIVAS, KOONAYIL, PARAVUR P.O., KOLLAM.

2. STATE OF KERALA, REPRESENTED BY
THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY ADV. SRI. C.M. KAMMAPPU, PUBLIC PROSECUTOR

THIS CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION ON 13/02/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.R. UDAYABHANU, J

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CRL. R.P. NO. 654 OF 2007

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Dated this the 13th day of February 2007

O R D E R

The revision petitioner/accused stands convicted for the offence under section 138 of the Negotiable Instruments Act and sentenced to undergo simple imprisonment for six months and to pay a compensation of Rs. 65,000/- under section 357 (3) Cr.P.C. The contention of the revision petitioner is that he could not cross examine PW1 as his counsel was absent on the particular day. The appellate court has noted that he did not apply to recall PW1 for cross examination. The complaint is of the year 1999. The court below disposed of the matter on 26.06.2002. Really, the trial court would have felt that the attempt is to protract the matter. The contention of the revision petitioner is that he had only borrowed a sum of Rs. 20,000/- from the complainant's husband and out of which he had repaid Rs. 13500/-. Evidently there is no documentary evidence to substantiate the above contentions. In the circumstances, I find that no purpose will be

served by remanding the matter at this point of time. Hence the findings of the courts below are affirmed.

2. Considering the plea of the counsel for the revision petitioner, the sentence is modified to imprisonment till rising of the court and to pay a compensation of Rs. 65,000/- to the complainant under section 357 (3) Cr.P.C and in default to undergo simple imprisonment for three months. The revision petitioner is granted six months time to pay the amount. He shall appear before the Judicial First Class Magistrate, Paravur on 14.08.2002 to receive sentence.

The Crl. R.P is disposed of accordingly.

K.R. UDAYABHANU, JUDGE.

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